



Minutes Formal City Council Meeting December 4, 2003

Minutes of the Formal City Council Meeting of December 4, 2003, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Neil G. Giuliano
Vice Mayor Barbara J. Carter
Councilmember P. Ben Arredondo
Councilmember Dennis Cahill
Councilmember Leonard Copple
Councilmember Pamela L. Goronkin
Councilmember Mark Mitchell

Mayor Giuliano called the meeting to order at 7:30 p.m.

1. Councilmember Cahill gave the invocation.
2. Mayor Giuliano led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Vice Mayor Carter to approve the following **COUNCIL MEETING MINUTES**.
Second by Councilmember Goronkin. Motion passed unanimously on a voice vote.

1. Council Executive Session – November 6 & 13, 2003
2. Council Finance & Diversity Issues Committee – October 28 and November 12, 2003 [20031204clrkck01.pdf](#) [20031204clrkck02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Vice Mayor Carter to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Goronkin. Motion passed unanimously on a voice vote.

3. Aviation Commission – October 14, 2003 [20031204tavco01.pdf](#)
4. Bicycle Advisory Committee – October 2, 2003 [20031204bac01.pdf](#)
5. Double Butte Cemetery Advisory Committee – September 17, 2003 [20031204dbca01.pdf](#)

6. Golf Committee – September 3, 2003 [20031204csmr02.pdf](#)
7. Hearing Officer – November 4 & 18, 2003 [20031204ho01.pdf](#)
[20031204ho02.pdf](#)
8. Historic Preservation Commission – October 2, 2003 [20031204hpc01.pdf](#)
9. Library Advisory Board – September 8, 2003 [20031204lab01.pdf](#)
10. Mayor's Youth Advisory Commission – October 21 & November 4, 2003
[20031204myac01.pdf](#) [20031204myac02.pdf](#)
11. Municipal Arts Commission – October 8, 2003 [20031204mac01.pdf](#)
12. Municipal Property Corporation – November 12, 2003 [20031204mpc.pdf](#)
13. Neighborhood Advisory Commission – October 1, 2003 [20031204nac01.pdf](#)
14. Special Events Task Force – October 14 & 28 and November 12, 2003
[20031204setf01.pdf](#) [20031204setf02.pdf](#) [20031204setf03.pdf](#)
15. Tempe Fire Public Safety Personnel Retirement Board – September 4, 2003
[20031204clrkck3.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Giuliano recommended the following Board/Commission appointments:

Aviation Commission Joseph Salvatore	For Term Expiring 12-31-04 (U) Replacing James Evans
Bicycle Advisory Committee Scott Nowicki	For Term Expiring 8-31-04 (U) Replacing Brian Fellows
Board of Adjustment Thomas Bourdo	For Term Expiring 12-31-04 (U) Replacing Miranda Carlton-Carew
Ambika Adhikari	For Term Expiring 12-31-05 (U) Replacing Thomas Bourdo as Alternate
Building Code Board of Appeals John Benton	For Term Expiring 4-30-05 (2) Reappointment
Scott Bohning	For Term Expiring 4-30-06 (2) Reappointment
Commission on Disability Concerns Theresa Froehlich	For Term Expiring 6-30-06 (1) Replacing Nicholas Enoch
Historical Museum Advisory Board Gail Fisher Robert Hunt	For Terms Expiring 7-31-06 (1) Replacing Ray Babina Replacing Richard Nearing
Human Relations Commission	For Term Expiring 12-31-04 (U)

Janis Webb

Replacing Gail LaGrander

Municipal Property Corporation

Pat Hatton

Neighborhood Advisory Commission

Steve Duplissis

Hope Dillon

Todd Green

Raquel Gutierrez

Rob Kubasko

For Terms Expiring 12-31-04 (U)

Replacing Kathleen Clark (zip code 85283)

Replacing Jennifer Nelson-Ionita (85283)

Replacing Jennifer Johnson (85281)

Replacing Steven Bruns (85281)

Replacing Monica Kast (85282)

Planning & Zoning Commission

Alan Beaudoin

For Term Expiring 12-31-06 (1)

Replacing Margaret Tinsley as Alternate

Redevelopment Review Commission

Vincent Mirizio

For Term Expiring 1-23-06 (U)

Replacing Mary Budd

Rio Salado Advisory Commission

Maureen DeCindis

For Term Expiring 12-31-05 (1)

Replacing Nancy Plencner

Christopher Clary-Lemon

For Term Expiring 12-31-06 (1)

Replacing Paul Wilhelmsen

Transportation Commission

Don Cassano

For Term Expiring 12-31-06 (1)

Replacing Monica Kast

Motion by Councilmember Copple to approve the Board and Commission appointments as recommended. Second by Councilmember Cahill. Motion passed on a roll call vote, 7-0.

B. Manager's Announcements – None.

5. **CONSENT AGENDA**

All items in these minutes identified with an asterisk (*) are public hearing items. The consent agenda is approved with one council action. Items scheduled for a first hearing will be heard but not adopted at this meeting. Items removed from the consent agenda for a separate vote are noted in the minutes.

Mayor Giuliano announced consideration of the **CONSENT AGENDA**.

Motion by Councilmember Arredondo to approve the Consent Agenda as stated. Second by Councilmember Mitchell. Motion passed on a roll call vote, 7-0.

A. Miscellaneous

16. Set an Executive Session for the City Council meeting of December 17, 2003, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.
COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.
17. Approved the Report of Claims Paid to be Filed for Audit for the week(s) of November 8, 15 & 22, 2003.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
18. Approved **Contract #2003-201**, a Consent to Retailer Designation and Assignment Agreement between Tait Development, Inc. and Ikea Property, Inc.
DOCUMENT NAME: [20031204casv01.pdf](#) **DEVELOPMENT PROJECT (0406)**
19. Approved **Contract #2003-202**, an Intergovernmental Agreement between the Tempe Union High School District and the City of Tempe for the provision of the Tempe TeenScreen Program.
DOCUMENT NAME: [20031204csjt01.pdf](#) **TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)**
- *20. Held a public hearing and authorized amendments to the 2003-2004 CDBG Action Plan.
COMMENTS: Amendments include funding for the Pappas School development fees and the use of a HUD Section 108 loan program for Brownfield development.
DOCUMENT NAME: [20031204dsnc03.pdf](#) **COMM. DEV. BLOCK GRANT FY 2003/2004 (0207-25)**
21. Approved **Contract #2003-203**, a Donation Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.
COMMENTS: Acquisition of real property interests in the Creamery Branch Spur Line from Union Pacific Railroad Company. The Creamery Branch Spur commences at the intersection with Union Pacific's main railroad line east of 3rd Street and Ash Avenue and terminates at University Drive, east of Dorsey.
DOCUMENT NAME: [20031204casv03.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
22. DELETED
23. Approved **Contract #2003-204**, a Purchase and Sale Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.
COMMENTS: Acquisition of real property interests in the Bridge Property from Union Pacific Railroad Company. The Bridge Property commences at Washington Street and parallels Union Pacific's main railroad line south until it intersects with the Creamery Branch Spur line.

- DOCUMENT NAME:** [20031204casv04.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
24. Approved **Contract #2003-205**, a Power Pole Relocation Agreement between Union Pacific Railroad Company, Valley Metro Rail and the City of Tempe.
COMMENTS: Power Pole Relocation Agreement between Union Pacific Railroad, Valley Metro Rail and the City of Tempe for the future relocation of a power pole. The power pole is located at the northeast corner of Farmer Avenue and First Street.
DOCUMENT NAME: [20031204casv06.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
25. Approved **Contract #2003-206**, an Option to Purchase and **Contract #2003-206A**, the Purchase and Sale Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.
COMMENTS: Acquisition of real property interests in the First Street Option Property from Union Pacific Railroad Company. The First Street Property is a strip of land which commences at the north property line of the City's 5th Street and Farmer Avenue parking lot and parallels Union Pacific's main railroad line north until it terminates within Tempe Beach Park.
DOCUMENT NAME: [20031204casv07.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
26. Approved **Contract #2003-207**, an Agreement between the City of Tempe and the Downtown Tempe Community regarding the Tempe Festivals of the Arts, the Fantasy of Lights and the Fantasy on Ice.
DOCUMENT NAME: [20031204casv10.pdf](#) **DOWNTOWN TEMPE COMMUNITY, INC. (0109-30)**
27. Approved **Contract #2003-208**, an Agreement for the Conditional Assignment of Property from the Mill Avenue Merchants Association, Inc. to the City of Tempe.
DOCUMENT NAME: [20031204casv09.pdf](#) **MILL AVENUE MERCHANTS ASSOCIATION (0109-08)**
28. Approved **with conditions** an Amended Condominium Map by Warner Century Plaza located at 2135 East Warner Road.
COMMENTS: (UTAZ Development Corp., Steven Beck, property owner) **#SHR-2003.97** for an amended Horizontal Regime (condominium map) for thirty-seven (37) office units on 8.06 net acres.

The following conditions were approved:

1. The applicant/owner shall provide a continuing care condition, covenant and restriction (CC&R's) for the entire project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney and must take place prior to recordation of the condominium map.
2. No variance may be created by future property lines without the prior approval of

the City of Tempe.

3. The Horizontal Regime shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Prior to recordation, the Planning Division within the Development Services Department shall review details of the document format.

DOCUMENT NAME: [20031204dsh10.pdf](#) **PLANNED DEVELOPMENT (0406)**

29. Approved **with conditions** an Amended Final Plat by Earnhardt Lincoln-Mercury located at 7777 South Test Drive.
COMMENTS: (No Bull, L.L.C., property owner) #SBD-2003.99 for an Amended Final Plat for one (1) lot on 3.75 net acres.

The following conditions were approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
b. Off-site improvements to bring roadways to current standards include:
(2) Water lines and fire hydrants
(3) Sewer lines
(4) Storm drains
(5) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
c. Fees to be paid with the development of this project include:
(1) Water and sewer development fees
(2) Water and/or sewer participation charges
(3) Inspection and testing fees
d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
4. No variances may be created by future property lines without the prior approval of the City of Tempe.

5. The Final Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20031204dsht12.pdf](#) PLANNED DEVELOPMENT (0406)

30. DELETED

31. Approved **with conditions** a Preliminary and Final Subdivision Plat for Thomas J. Pappas School located at 1938 East Apache Boulevard.

COMMENTS: (Maricopa County Regional School District, property owner) #SBD-2003.94 for a Preliminary and Final Subdivision Plat consisting of one (1) lot on 2.77 net acres.

The following conditions were also approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees
 - (2) Water and/or sewer participation charges
 - (3) Inspection and testing fees
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
3. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.

4. No variances may be created by future property lines without the prior approval of the City of Tempe.
5. The Amended Final Subdivision Plat shall be recorded prior to the issuance of permits.
6. The Final Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20031204dsht11.pdf](#) PLANNED DEVELOPMENT (0406)

32. Approved **with conditions** an Amended Final Subdivision Plat for Aim Leasing located at 1655 West 10th Place.
COMMENTS: (Jerry Ivy, property owner) #SBD-2003.100 for an Amended Final Subdivision Plat consisting of one (1) lot on 2.39 net acres.

The following conditions were also approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees
 - (2) Water and/or sewer participation charges
 - (3) Inspection and testing fees
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
- d. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.

3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. The Final Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.
5. The Final Subdivision Plat shall be recorded prior to the issuance of permits. No changes or modifications to the plat will be allowed without the prior approval of the Planning and Engineering Departments.

DOCUMENT NAME: [20031204dsd2k14.pdf](#) **PLANNED DEVELOPMENT (0406)**

33. Approved the utilization of City of Scottsdale Contract 01IB086 for the purchase of 250 two-inch water meters from Badger Meter, Inc. Total cost for this purchase shall not exceed \$71,221.00.

DOCUMENT NAME: [20031204fsts02.pdf](#) **PURCHASES (1004-01)**

34. Approved the utilization of City of Scottsdale Contract 03PB074 for sewer and lift station cleaning and maintenance to Ancon Service Company. Total cost for this contract shall not exceed \$160,000.00 annually.

DOCUMENT NAME: [20031204fsts03.pdf](#) **PURCHASES (1004-01)**

- *35. Held a public hearing and approved a Person to Person transfer of a Series 9 Store Liquor License from Sam's Liquor, 1025 W. Broadway Rd., Sameer Moushi, Agent to Sam's Liquor, 1025 W. Broadway Rd., Albert Oraha, Agent.

DOCUMENT NAME: [20031204LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *36. Held a public hearing and approved an Original Series 12 Restaurant Liquor License for Titan Simplex of Arizona, Inc., dba Fatburger, 414 S. Mill, #101.

COMMENTS: Marcus Walburg, Agent

DOCUMENT NAME: [20031204LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *37. Held a public hearing and approved an Original Series 12 Restaurant Liquor License for Parsian Corporation dba Tasty Kabob, 1250 E. Apache Blvd., #116.

COMMENTS: Homa Mamnoon, Agent

DOCUMENT NAME: [20031204LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *38. Held a public hearing and approved an Original Series 10 Beer and Wine Store Liquor License for University Quick Mart, 1835 E. University Drive.

COMMENTS: Jamal Sobhi Lashin, Agent

DOCUMENT NAME: [20031204LIQ4.pdf](#) **LIQ LIC (0210-02)**

39. Approved **Contract #2003-55A**, an addendum to a professional services contract with Dibble & Associates for the design of the water transmission main from Johnny G. Martinez Water Treatment Plant to Indian Bend Wash in an amount not to exceed \$67,507.00.

DOCUMENT NAME: [20031204PWTG04.pdf](#) **WATER MANAGMENT (0811)**
PROJECT NO. 3200031

40. Approved **Contract #2001-150C**, an addendum to a professional services contract with Carollo Engineers in an amount not to exceed \$107,444.00.

DOCUMENT NAME: [20031204PWTG07.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-14)** **PROJECT NO.** 3201091

B. Award of Bids

41. Awarded **Contract #2003-209**, a construction contract to MGC Contractors, Inc. in an amount not to exceed \$10,947,332.00 (Base Bid), plus approve a contingency of \$300,000.00, and to authorize Carollo Engineers to proceed with Phase III Design Services during Construction of the Disinfection Technology and Marigold Lane Improvements Project.

DOCUMENT NAME: [20031204PWMG01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-14)** **PROJECT NO.** 3201092

42. Awarded **Contract #2003-210**, a construction contract to S.D. Crane Builders, Inc. in an amount not to exceed \$22,105.00 (Base Bid), plus approve a contingency of \$3,000.00 for the Tempe Water Utilities Department Communication Improvements.

DOCUMENT NAME: [20031204PWMG08.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08)** **PROJECT NO.** 32-996921

43. Awarded **Contract #2003-211**, a construction contract to Ace Pipe Cleaning, Inc. in an amount not to exceed \$48,000.00 (Base Bid), plus approve a contingency of \$4,800.00 for the Southern Avenue Interceptor Closed Circuit Television Inspection.

DOCUMENT NAME: [20031204PWMG09.pdf](#) **WASTEWATER MANAGEMENT (0812-01)** **PROJECT NO.** 3200581

44. Awarded **Contract #2003-212**, a three-year contract with three (1) one-year renewal options for banking services to Bank One, AZ, N.A. Total cost for this contract shall not exceed \$920,000 during the initial contract period.

DOCUMENT NAME: [20031204fsts01.pdf](#) **PURCHASES (1004-01)** **RFP** 04-000

45. Awarded **Contract #2003-213**, a sole source purchase for the supply and application of asphalt rubber scrub seal to International Surfacing Systems. Total cost for this contract shall not exceed \$109,000.

DOCUMENT NAME: [20031204fslg04.pdf](#) **PURCHASES (1004-01) #04-069**

C. Ordinances and Items for Introduction

46. Public hearings set for **January 8 and January 15, 2004**, to amend Tempe City Code, Chapter 11, Article 1, relating to Design Review by amending Section 11-6.

COMMENTS: Ordinance #2003.37 is a proposed amendment to eliminate the requirement that all Multi-Family development follow the requirements of the Multi-Family Quality Study.

DOCUMENT NAME: [20031204dsnw9.pdf](#) **PLANNED DEVELOPMENT (0406)**

47. Public hearings set for **January 8 and January 15, 2004** to authorize the issuance of a Request for Proposal for hiring a property management and leasing company to manage and lease City of Tempe property acquired for the Light Rail Project, and to authorize the lease of such property.

DOCUMENT NAME: [20031204casv08.pdf](#) **TRANSPORTATION PLANNING (1101-01) Ordinance No. 2003.38**

- q-j 48. Public hearings set for **December 17, 2003 and January 8, 2004**, for Firestone Tires for an Amended General Plan of Development for University & McClintock Crossing Commercial Center and Final Plan of Development for Firestone Tires, including a use permit, located at 1775 East University Drive.

COMMENTS: (The Focus Group, LLC, David Church, property owner) **#SGF-2003.95** for an Amended General Plan of Development for University & McClintock Crossing consisting of 29,016 s.f., on 4.86 net acres, and a Final Plan of Development for Firestone Tires consisting of 7,610 s.f. on 2.11 net acres, including the following:

Use Permit:

1. Allow a tire and auto service store in the PCC-1 Zoning District.

DOCUMENT NAME: [20031204dsd2k07.pdf](#) **PLANNED DEVELOPMENT (0406)**

49. Public hearings set for **December 17, 2003 and January 8, 2004** for Playa Del Norte for a zoning change and a Preliminary and Final Subdivision Plat, located at 179 North Scottsdale Road.

COMMENTS: (Playa Del Norte LLC., City of Tempe, property owners) including the following: **#ZON-2003.18 Ordinance No. 2003.18** A zoning change from AG, Agricultural, I-1, Light Industrial, I-2, General Industrial, and PCC-1, Planned Commercial Center, to MG, Multi-Use General District on 22.78 net acres. **#SBD-2003.91** A Preliminary and Final Subdivision Plat for six lots on 22.78 net acres.

DOCUMENT NAME: [20031204dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j 50. Public hearings for **December 17, 2003 and January 8, 2004**, for Wal-Mart Store #1746-01 for an Amended General and Final Plan of Development, including one variance, for Groves Power Center located at 1380 West Elliot Road.

COMMENTS: (Wal-Mart Stores, Inc., property owner) **#SGF-2003.93** for an

Amended General Plan of Development for the Groves Power Center consisting of a 418,880 s.f. on 38.26 net acres, and a Final Plan of Development for Wal-Mart expansion for 187,867 s.f. (115,553 s.f. existing plus 73,314 s.f. addition) on 11.79 net acres, located at 1380 West Elliot Road, including the following:

Variances:

Reduce the minimum required side yard building setback, along the east side property line of Lot 3 and along the west side property line of Lot 4, from 60 feet to 0 feet.

DOCUMENT NAME: [20031204dsht08.pdf](#) PLANNED DEVELOPMENT (0406)

- 50a. Public hearings set for **January 8 and January 15, 2004** to authorize the Mayor to execute a Development and Disposition Agreement between the City of Tempe and Suncor Development Company

DOCUMENT NAME: [20031204cacc01.pdf](#) RIO SALADO MASTER PLAN
(0112-07-03) Ordinance No. 2003.39

- D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *51. Held the **first** public hearing to abandon the south 245.23 feet of Sunset Drive, south of Apache Boulevard, west of Rural Road, and **continued the second public hearing from December 18, 2003, to January 8, 2004.**

DOCUMENT NAME: [20031204PWMG02.pdf](#) RIGHT OF WAY
ABANDONMENT (0901) Ordinance No. 2003.32

- E. Ordinances and Items for Second Hearing/Final Adoption

- *52. Held the **second** public hearing and **approved with conditions** an Amended General Plan of Development and a Final Plan of Development for Lots 2 and 3 for Crossroads of Tempe located at 325 West Elliot Road.

COMMENTS: (David J. Glimcher, property owner) **#SGF-2003.83** for an Amended General Plan of Development consisting of 142,363 s.f. retail/office/restaurant, all on 15.3 net acres (Lots 1, 2, 3, and 4) and a Final Plan of Development for Lots 2 and 3 consisting of 25,982 s.f. of retail/office/restaurant space on 3.85 net acres.

The following conditions were approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- e. Off-site improvements to bring roadways to current standards include:
- f. Water lines and fire hydrants
- g. Sewer lines
- h. Storm drains

- i. Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - j. Fees to be paid with the development of this project include:
 - k. Water and sewer development fees
 - l. Water and/or sewer participation charges
 - m. Inspection and testing fees
 - n. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
- 2. a. All street dedications shall be made within six (6) months of Council approval.
 - c. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - d. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
- 7. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney.
 - 8. No variances may be created by future property lines without the prior approval of the City of Tempe.
 - 9. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
 - 10. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
 - 11. This proposal shall be approved by the Design Review Board prior to City Council approval.
 - 12. The Amended General Plan of Development and the Final Plan of Development for Lots 2 & 3 of Crossroads of Tempe must be modified to reflect adequate parking on Lots 2 & 3 or a parking covenant agreement between Lots 2 & 3 shall be filed with the Development Services Department. Details of the parking covenant to be resolved with Building Safety staff prior to recordation.
 - 13. The Amended General Plan of Development and the Final Plan of Development for Lots 2 & 3 of Crossroads of Tempe shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
 - 14. The Amended General Plan of Development and the Final Plan of Development for Lots 2 & 3 of Crossroads of Tempe shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services

Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.

15. There shall be no outdoor music or speakers on the site.
16. Any outdoor dining area shall be screened on its southern boundary by a solid wall not to exceed eight feet in height. For the suite on the far west side of the building located on Lot #2, this screening wall shall extend to the southwestern corner of the patio, or approximately 19 feet.
17. For the suite on the far west side of Lot #2, access to any outdoor patio area shall be restricted so that it is through the restaurant only, except for any exits required by applicable building codes.
18. All deliveries shall be made Monday through Saturday between the hours of 8:00 a.m. and 5:00 p.m. and all trash removal from the site shall conform to City of Tempe trash removal schedule.

DOCUMENT NAME: [20031204dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *53. Held the **second** public hearing and **approved with conditions** an Amended General Plan of Development and a Final Plan of Development for Crossroads Professional Village for medical offices at 2147 East Baseline Road.

COMMENTS: (UTAZ Development, property owner) **#SGF-2003.85** for an Amended General Plan of Development consisting of a 76,141 s.f. (44,374 s.f. health club, 31,767 s.f. for medical office) on 8.0 net acres, and a Final Plan of Development for 31,767 s.f. of medical office space on 3.94 net acres, including the following:

Variances:

1. Reduce the minimum required side yard building setback, along the north side property line (Lot 3a) from 40 feet to 30 feet.
2. Reduce the minimum required side yard building setback, along the south property line (Lot 3a) from 40 feet to 24 feet.
3. Allow a portion of the required parking for Lot 3 to be provided in a non-contiguous lot (Lot 4)

The following conditions were approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees
 - (2) Water and/or sewer participation charges

- (3) Inspection and testing fees
- (4) All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
- 2. a. All street dedications shall be made within six (6) months of Council approval (**June 4, 2004**).
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
- 3. Should the property be subdivided, the owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney.
- 4. No variances may be created by future property lines without the prior approval of the City of Tempe.
- 5. A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval (**December 4, 2004**) or the variances shall be deemed null and void.
- 6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
- 7. The applicant shall resolve all lighting and security details with the Planning and Crime Prevention Staff prior to the issuance of a building permit.
- 8. This Amended General and Final Plan of Development shall be put into property engineered format and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20031204dsht01.pdf](#) PLANNED DEVELOPMENT (0406)

- q-j *54. Held the **second** public hearing and **approved with conditions** an Amended Preliminary and a Final PAD including a variance for Friendship Village – Phase "B" and "C" located at 2645 East Southern Avenue.

COMMENTS: (Friendship Village of Tempe, property owner) #SPD-2003.84 for an Amended Preliminary Planned Area Development (PAD) consisting of a 475,879 s.f. total building area of the retirement community on 51.2 net acres and a Final Planned Area Development for an Auditorium (5,406 s.f.), assisted living facility (29,071 s.f.), and a village center (84 new independent apartments – 166,574 s.f.) on 11.7 net acres, including the following:

Variances:

- 1. Waive the requirement of a landscape parking island at the Auditorium

parking area for a period of two years.

The following conditions were approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees
 - (2) Water and/or sewer participation charges
 - (3) Inspection and testing fees
2. a. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- e. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval or the use permit shall be deemed null and void.
5. The Design Review staff or Board shall approve Phase “B” and “C”, the Auditorium, the assisted living facility, and the Village Center.
6. The Preliminary and Final Planned Area Development (PAD) shall be recorded **on, or before, December 4, 2004**, with the Maricopa County Recorder’s Office through the City of Tempe’s Development Services Department. Planning Division staff shall review details of the document format prior to recordation.
7. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.

DOCUMENT NAME: [20031204dsht02.pdf](#) PLANNED DEVELOPMENT (0406)

- *55. Held the **second** public hearing and approved with conditions a zoning change, a Preliminary and Final PAD, and an Amended Final Subdivision Plat for Rancho Mio located at 2151 East Howe Avenue.

COMMENTS: (Rancho Mio Properties, LLC, property owner), including the

following: **#ZON-2003.17 Ordinance 808.2003.17** for a zoning change from R-3R, Multi-Family Residential Restricted to R1-PAD on 0.75 gross acres. **#SPD-2003.86** for a Preliminary and Final Planned Area Development (PAD) consisting of six town homes on 0.51 net acres. **#SBD-2003.87** for a Preliminary and Final Subdivision Plat consisting of six lots on 0.51 net acres.

The following conditions were approved:

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees
 - (2) Water and/or sewer participation charges
 - (3) Inspection and testing fees
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe – Section 25.120.
3. The applicant/owner shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.
4. A building permit for Rancho Mio shall be obtained and substantial construction commenced within two (2) years of the date of Council approval or the zoning shall revert to that in place at the time of application, subject to a public hearing.
5. This plan shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisle accessing the garages. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.

6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
7. The Preliminary and Final PAD and Final Subdivision Plat for Rancho Mio shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before December 4, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void.

DOCUMENT NAME: [20031204dsht04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. Held the **second** public hearing and approved the annexation of a remnant parcel of land owned by the City of Tempe south of State Route 202 approximately midway between Rural and Miller Roads.

COMMENTS: This parcel of land is located in an unincorporated portion of the city of Tempe. The parcel was acquired from the Arizona Department of Transportation and. This annexation is one of the first steps in the process of creating an improvement district for the Playa del Norte/Miller Road area. In accordance with Arizona Revised Statute 9-471, a public hearing was held before the City Council on October 2, 2003 and Council unanimously voted to proceed with the annexation.

DOCUMENT NAME: [20031204PWMG05.pdf](#) **ANNEXATION (0402-01)** Ordinance No. 2003.28

- *57. Held the **second** public hearing and approved the abandonment of an easement for ingress and egress located at 1001 East Lemon Street.

DOCUMENT NAME: [20031204PWMG06.pdf](#) **EASEMENT ABANDONMENT (0904-02)** Ordinance No. 2003.33

F. Resolutions

58. Approved Resolution No. 2003.72 establishing essential policies for setting green fees for Ken McDonald Golf Course and Rolling Hills Golf Course effective December 4, 2003.

DOCUMENT NAME: [20031204csmr01.pdf](#) **GOLF COURSE ADMIN. (0703-01)**

59. Approved Resolution No. 2003.75 authorizing the submission of a Section 108 Loan Guarantee application to Housing and Urban Development in the amount of \$7 million.

DOCUMENT NAME: [20031204dsnc02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

60. Approved Resolution No. 2003.74 authorizing the acquisition and/or condemnation of property necessary for the development of the Rio Salado Marketplace Project within the University/Hayden Butte Redevelopment Area 5.

DOCUMENT NAME: [20031204dsnc01.pdf](#) **RIO SALADO MASTER PLAN**

(0112-07-03)

61. Approved Resolution No. 2003.62 approving Tempe General Plan 2030 and submitting the plan to the Voters for ratification at the May 18, 2004 Election.

COMMENTS: The City of Tempe General Plan 2030 has been developed with extensive public participation during the past two years. After three public hearings with the Planning & Zoning Commission, and two hearings with the City Council, Resolution 2003.62 will approve **CITY OF TEMPE GENERAL PLAN 2030**. This resolution will also set the May 18, 2004 election date for General Plan 2030. City Council adoption of this plan does not authorize implementation of the document unless and until voters ratify the plan.

DOCUMENT NAME: [20031204dsdk05.pdf](#) **GENERAL PLAN (0401-03)**

6. NON-CONSENT AGENDA

62. DENIED a request to authorize the City Attorney to file an appeal in the Desert Subway vs. City of Tempe lawsuit.

Mayor Giuliano summarized that this item requests authorization to allow the City Attorney to file an appeal in the Desert Subway vs. City of Tempe lawsuit. This issue was discussed previously at the Issue Review Session.

Motion by Councilmember Arredondo to approve Item #62 and authorize the appeal. Second by Councilmember Copple. Motion FAILED on a roll call vote, 4-3, with Mayor Giuliano, Vice Mayor Carter, Councilmember Cahill and Councilmember Goronkin voting NO, and Councilmembers Mitchell, Arredondo and Copple voting YES.

DOCUMENT NAME: [20031204casv02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-02)**

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

- Councilmember Copple reminded the public that the Arts Festival runs tomorrow, Saturday and Sunday.
- Mayor Giuliano reminded the public of the Ice Skating Rink is open between the Mill Avenue Bridges, and the Lighted Boat Parade and Snow Day on December 13. A complete update is available on Channel 11.

8. PUBLIC APPEARANCES –

UNSCHEDULED PUBLIC APPEARANCES:

Rod Keeling, Executive Director, DTC, 660 S. Mill Avenue. He reminded the public that the Arts Festival will run from tomorrow through the weekend. He thanked City staff for their work on the transition from MAMA to DTC.

MEETING ADJOURNED AT 7:50 p.m.

Mayor

ATTEST:

Kathy L. Matz
City Clerk

I, Kathy L. Matz, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Regular Council meeting of December 4, 2003, by the Tempe City Council, Tempe, Arizona.

Dated this _____ day of _____, 2004

Kathy L. Matz
City Clerk